



ETHICAL AND LEGAL CONSIDERATIONS FOR PHYSIOTHERAPY PRACTICE IN INDIA

Physiotherapy

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ABSTRACT

In the field of Physiotherapy, as the profession progresses into the twenty-first century, the importance of Ethical considerations becomes increasingly paramount. The evolving landscape of modern physiotherapy necessitates a strong adherence to ethical standards. Acquiring the skills to navigate ethical dilemmas and cultivating a professional identity are crucial aspects of becoming a proficient Physiotherapist. Key ethical concerns in physiotherapy include maintaining a strong therapist-patient relationship, safeguarding patient confidentiality, and ensuring informed consent is obtained. While there are similarities between law and ethics, the former can be more accurately described as a collection of regulations and statutes that govern a society. In cases of healthcare malpractice, legal action can be pursued through civil or criminal proceedings, depending on the nature of the offense. Additionally, under the Consumer Protection Act (CPA) of 1986, individuals can challenge professional services provided by physiotherapists. Comprehensive records play a vital role in prevailing during legal disputes. Therefore, it is imperative for Physiotherapy professionals to stay updated on topics such as ethics, the CPA and its amendments, & code of ethics of regulatory state bodies in India such as the (Jharkhand state physiotherapy council & Gujarat state physiotherapy council

KEYWORDS

CPA, Physiotherapy negligence, Ethics, GSCPT, JSCPT.

INTRODUCTION

Ethics encompasses a wide spectrum of considerations related to the interconnected behaviors of human beings. It revolves around finding a balance in situations where conflicts between what is right and wrong arise. As individuals with moral obligations, humans are expected to adhere to a path that aligns with ethical principles. In the context of patient care, the integration of moral considerations is referred to as medical ethics. Healthcare professionals frequently encounter a diverse array of ethical and regulatory challenges within their practice settings. (Khan AK et al)¹ The healthcare field has been traditionally regarded as a noble profession. Embarking on a career as a physiotherapy health professional entails a lifelong commitment to upholding the principles and beliefs that underpin the practice. The term "professional" denotes someone who engages in a learned occupation. The core foundation of every healthcare profession revolves around selfless service. Professions are occupations that require extensive and specialized preparation, governed by a distinct code of ethics. (Vijay Kumar et al)²

AIMS AND OBJECTIVES

1. To provide an overview of the key ethical and legal issues that arise in the field of physiotherapy practice.
2. To explore the current ethical and legal frameworks and guidelines that govern physiotherapy practice.
3. To highlight the importance of ongoing education and professional development in relation to ethical and legal issues in physiotherapy practice.

Principles of Ethics

Ethical principles are the inspirational goals of the profession, which provide guidance and offer justification for the Code of professional conduct and advisory opinions. Ethical codes vary from one country to another and even within countries, but they have many common features.¹

Ethical Dimensions in Professions are needed to

1. Have clear boundaries
2. Have commonly accepted norms of behavior
3. Enhance respect within and outside the profession
4. Protect the rights of the consumer/ client.
5. Protect the rights and privileges of the professional

Ethical principles are the moral rules and foundations of justification to be applied to exercise ethical practice. These principles are Autonomy, Non-maleficence, Beneficence, and Justice. Each principle is binding unless it conflicts with another moral principle, and in that case, we have to choose between them.^{1,3}

Autonomy: The principle of autonomy, derived from the Greek words "autos" (self) and "nomos" (rule or law), emphasizes the

physiotherapist obligation to respect the patient's right to self-governance and confidentiality. Physiotherapist are responsible for involving patients in treatment decisions in a meaningful manner, considering their needs, desires, and abilities. Additionally, others involved in the patient's care have an obligation to maintain confidentiality, respect privacy, and communicate truthfully.^{1,3}

Non-Maleficence: Derived from the Latin maxim "primum non Nocera," which means "first, do no harm," the principle of nonmaleficence highlights the duty of professionals to protect patients from harm. Physiotherapists have a primary responsibility to continuously update their knowledge and skills. Recognizing one's own limitations and knowing when to refer patients to specialists or delegate care to auxiliaries are essential moral requirements in the physiotherapy profession.^{1,3}

Beneficence: Beneficence, stemming from the Latin word "beneficium" meaning "good deed," entails the practice of performing actions that benefit others and seeking their well-being. Physiotherapists, as healthcare professionals, are obligated to practice in a way that benefits their patients and consider it a fundamental duty.^{1,3}

Justice: The principle of justice embodies the idea that the physiotherapy profession should actively strive to improve access to care for all members of society. Physiotherapists should take cues from society to ensure ethical compliance, as societal norms often determine what is just and unjust. Practicing justice involves providing care to patients without discrimination based on race, creed, color, sex, or national origin.

Legal Code Of Conduct As Per Different State Physiotherapy Councils Of India

The Jharkhand State Council For Physiotherapy "Code of Conduct, Ethics Scope and Standards of Physiotherapy Practice 2020"

- Ethic 1: Physiotherapy practitioners shall respect the inherent dignity and rights of all individuals.⁴
- Ethic 2: Physiotherapy practitioners shall be trustworthy and compassionate in addressing the rights and needs of patients.⁴
- Ethic 3: Physiotherapy practitioners shall be accountable for making sound professional judgments.⁴
- Ethic 4: Physiotherapy practitioners shall demonstrate integrity in their relationships with patients, families, colleagues, students, research participants, other health care providers, employers, payers, and the public.⁴
- Ethic 5: Physiotherapy practitioners shall fulfil their legal and professional obligations.⁴
- Ethic 6: Physiotherapy practitioners shall enhance their expertise through the lifelong acquisition and refinement of knowledge,

- skills, abilities, and professional behaviours.⁴
- Ethic 7: Physiotherapy practitioners shall promote organizational behaviors and
 - clinical practices that benefit patients and society.⁴
 - Ethic 8: Physiotherapy practitioners shall participate in efforts to meet the health needs of people locally, nationally, or globally.⁴
 - Ethic 9: Physiotherapy practitioners take responsibility to maintain their own health and wellbeing.⁴

(Gujarat State Council For Physiotherapy (gujarat State)⁽⁵⁾

Ethics or code of GSCPT's ethical principles are as follow:

1. Respect the rights and dignity of all individuals.
2. Comply with the laws and regulations governing the practice of physiotherapists in the Gujarat state.
3. Accept responsibility for the exercise of sound judgment and proper decision.
4. Provide honest, competent, and accountable professional services to the patients.
5. Provide quality services.
6. Be entitled to a just and fair level of remuneration for their services.
7. Provide accurate information to patients/clients, to other agencies and the community about physiotherapists and the services provided by physiotherapists.
8. Contribute to the planning and development of services which address the health needs of the Patient.

Legal issues in Physiotherapy Practice

1. Scope of Practice: Physiotherapists must adhere to the laws, regulations, and professional standards that define their scope of practice. It is crucial to understand the limitations and boundaries of what is considered within the scope and to avoid providing treatments or services outside of that scope.^{1,3}

2. Informed Consent: Physiotherapists are required to obtain informed consent from their patients before providing any treatment. This involves providing relevant information about the proposed treatment, its potential risks and benefits, alternative options, and allowing the patient to make an informed decision about their care.^{1,3}

3. Confidentiality and Privacy: Physiotherapists have an obligation to protect the privacy and confidentiality of their patients' personal health information. This includes maintaining appropriate record-keeping practices, ensuring secure storage of patient records, and obtaining consent before disclosing any patient information to third parties.^{1,3}

4. Professional Negligence: Physiotherapists can be held liable for professional negligence if their actions or omissions fall below the accepted standard of care, resulting in harm or injury to a patient. It is crucial to provide competent and safe care, maintain appropriate documentation, and regularly update knowledge and skills to avoid potential legal issues.^{1,3}

5. Documentation & Record-Keeping: Maintaining accurate and comprehensive patient records is essential in physiotherapy practice. Documentation should include relevant patient information, assessment findings, treatment plans, progress notes, and any changes or modifications made during treatment.^{1,3}

6. Professional Boundaries: Physiotherapists must maintain professional boundaries with their patients to avoid potential ethical and legal issues. It is important to establish clear and appropriate boundaries, maintain a professional demeanor, and avoid engaging in any behavior that could be perceived as exploitative, discriminatory, or unethical.¹

Physiotherapy Negligence

Physiotherapists treat injuries to muscles and tendons, as well as areas affecting circulation. Patients seek physiotherapy for treatment when injury or illness has limited their flexibility and range of movement. Some patients have physio to help them recover from a sporting injury or damage sustained in a fall or car accident. Others have it to help combat the symptoms of a degenerative condition or the natural effects of aging. The nature of the treatment delivered by a physiotherapist can take various forms depending on the type of injury. For example, some patients may benefit from hydrotherapy, while others will respond better to manipulation and massage. Physiotherapy negligence occurs

when a patient receives an injury due to an avoidable error their therapist has made.

Statutes

Consumer Protection Act,1986

Physiotherapy practice is governed by the Consumer Protection Act, 1986, which protects consumer rights. Legal challenges can be pursued through civil or criminal proceedings. The Act allows consumers to file complaints in consumer courts based on the value of goods or services. Compensation sought determines the appropriate forum: National, State, or District Consumer Protection Councils. This legislation safeguards consumer interests and serves as a milestone in socioeconomic laws. Physiotherapists must be aware of these provisions to ensure compliance and protect consumer rights.⁷

The Bio-medical waste (Management and handling) Rules,1998

The Bio-medical waste (Management and handling) Rules, 1998, provide guidelines for physiotherapists in managing bio-medical waste. Physiotherapists must comply with these rules, ensuring proper handling and disposal of waste to protect human health and the environment. Physiotherapists, as occupiers, bear the responsibility of taking necessary measures for safe waste management. It is crucial for physiotherapists to be knowledgeable about bio-medical waste management to prevent disease transmission. By following these rules, physiotherapists contribute to a safe and healthy practice environment.⁶

Clinical Establishment Act,2010

The Clinical Establishments Act, 2010 was introduced by the Central Government to enforce the registration and regulation of clinical establishments in the country. Its primary objective is to establish minimum standards for the facilities and services provided by these establishments. This Act applies to clinical establishments of all types, whether they belong to the public or private sector, and regardless of the recognized system of medicine they practice. This includes single doctor clinics and various medical systems. By implementing the Clinical Establishments Act, 2010, the government aims to ensure that all clinical establishments meet the prescribed standards, thereby enhancing the quality of healthcare services provided across the country.⁸

CONCLUSION

Physiotherapy in India is regulated by bodies like IAP and state councils. They ensure ethical standards. Physiotherapists must act in patients' best interest, providing high-quality care. Informed consent is crucial, respecting patient autonomy. It builds a strong therapist-patient bond. Accurate records are essential for legal protection. Negligence can lead to legal action under the Consumer Protection Act, resulting in compensation. Adhering to ethical standards prevents lawsuits, ensuring patient well-being and a positive reputation. Physiotherapists should prioritize ethical and legal guidelines to avoid legal complications and provide optimal care.

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